

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
PUBLIC HEARING  
SEPTEMBER 3, 2002  
5:15 P.M.**

**(Proposed Water Emergency Ordinance)**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 5:15 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT:           Commissioner Donald E. Warren, Chairman  
                          Commissioner May W. Moore, Vice Chairman  
                          Commissioner David R. Sandifer  
                          Commissioner Tom B. Rabon, Sr.  
                          Commissioner William M. Sue

STAFF:             Marty K. Lawing, County Manager  
                          Steve Stone, Assistant County Manager  
                          Huey Marshall, County Attorney  
                          Mark Seagle, Assistant County Attorney  
                          Debby Gore, Clerk to the Board  
                          Margie Stephenson, Deputy Clerk  
                          Lithia E. Brooks, Director of Fiscal Operations

**I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 5:18 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Water Emergency Ordinance.

**II. PUBLIC COMMENTS**

Chairman Warren asked if any members of the audience wished to address the Board of the proposed amendment.

There were no comments from the audience.

There were no questions or comments from the Board.

**III. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Public Hearing at 5:21 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
PUBLIC HEARING  
SEPTEMBER 3, 2002  
5:30 P.M.  
(Proposed Sewer Use Ordinance)**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 5:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner Donald E. Warren, Chairman  
Commissioner May W. Moore, Vice Chairman  
Commissioner David R. Sandifer  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Mark Seagle, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Margie Stephenson, Deputy Clerk  
Lithia E. Brooks, Director of Fiscal Operations

**I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 5:32 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Sewer Use Ordinance.

**II. PUBLIC COMMENTS**

Chairman Warren asked if any members of the audience wished to address the Board of the proposed amendment.

1. Mayor Blair Harmon of the Town of St. James spoke in support of regional sewer and the Sewer Use Ordinance.
2. Lee Smith, Public Utilities Director, gave a brief overview of the Ordinance and stated that the schedule for Regional Sewer is available to the public. Copies were distributed to the audience. Mr. Smith stated that methods of payment would be similar to water collections and will be discussed further.

**III. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Public Hearing at 5:48 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
PUBLIC HEARING  
SEPTEMBER 3, 2002  
6:00 P.M.**

**(Proposed Stormwater Ordinance and Manual)**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 6:00 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

**PRESENT:** Commissioner Donald E. Warren, Chairman  
Commissioner May W. Moore, Vice Chairman  
Commissioner David R. Sandifer  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

**STAFF:** Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Mark Seagle, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Margie Stephenson, Deputy Clerk  
Lithia E. Brooks, Director of Fiscal Operations

**I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 6:03 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the proposed Stormwater Ordinance and Stormwater Manual.

**II. PUBLIC COMMENTS**

Chairman Warren asked if any members of the audience wished to address the Board of the proposed amendment.

1. Perry Davis addressed concerns regarding the Riparian Buffer System.
2. Louie Lewis stated he agrees that State Guidelines are strict enough concerning the Riparian Buffer.
3. Phil Tripp stated he is concerned with a lot of gray issues that are not clear and asked the Board to postpone adoption of the ordinance for further consideration.
4. David Bowman requested the Board to postpone adoption of the ordinance until all questions are cleared with consultants. The Board asked that Mr. Bowman direct all questions to HDR.
5. James Hardy spoke in opposition of the new Playmates Club located in his neighborhood.

### **III. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Public Hearing at 6:12 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
SEPTEMBER 3, 2002  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT:                   Commissioner Donald E. Warren, Chairman  
                                Commissioner May Moore, Vice-Chairman  
                                Commissioner David Sandifer  
                                Commissioner Tom B. Rabon, Sr.  
                                Commissioner William M. Sue

STAFF:                     Marty K. Lawing, County Manager  
                                Steve Stone, Assistant County Manager  
                                Huey Marshall, County Attorney  
                                Mark Seagle, Assistant County Attorney  
                                Debby Gore, Clerk to the Board  
                                Margie Stephenson, Deputy Clerk  
                                Lithia E. Brooks, Fiscal Operations Director

**I. CALL TO ORDER**

Chairman Warren called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Warren asked if there were any adjustments to the agenda. The following adjustments were made:

1. Lithia Brooks requested to add as Item V-D-2 under Consent Agenda, a budget amendment to extend salaries for one month due to the State withholding County funds, for the CJPP and Cape Fear Sentencing Program

2. Vice-Chairman Moore requested to add an appointment to the Rescue Squad Capital Expenditure Committee as item #5 under Board Appointments.

Commissioner Sandifer moved to approve the agenda with the adjustments included. The vote of approval was unanimous.

#### **IV. PUBLIC COMMENTS**

Chairman Warren asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda.

There were no comments from the audience.

#### **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

##### **A. Minutes**

- 1) Public Hearing Minutes of August 5, 2002 (5:00 p.m.)
- 2) Regular Meeting Minutes of August 5, 2002
- 3) Public Hearing Minutes of August 19, 2002 (6:15 p.m.)
- 4) Regular Meeting Minutes of August 19, 2002
- 5) Sewer Use Ordinance Workshop Minutes of August 26, 2002

##### **B. Finance – FY 2001-2002 (Exhibit Book 31, Attachment #1)**

We are in receipt of the following amendment request:

- 1) City of Northwest Waterline Capital Project Ordinance

\$2,509 Increase

County Capital Reserve Fund

As you will recall, Mr. Jeff Phillips presented the above referenced issue to you at your July 1, 2002 regular meeting. Your amendment for this issue was net of "interest" in the amount of \$9,000. Mr. Marty Lawing, Mr. Jeff Phillips, Mr. Lee Smith and I met with The Honorable Mayor Knox of the City of Northwest, along with Mr. Ronnie Pope, Rural Development Specialist and Mr. Jim Vithalani, Engineer, on Tuesday, August 20, 2002. During this meeting we discovered that the "interest" being requested in the amount to be reimbursed to the City of Northwest was "interest expense" during construction. The City of Northwest borrowed the funds to construct this water line, therefore incurring "interest during construction". This is a legitimate expense for the City to request for reimbursement. If the County had not requested the line to be upsized to a 12 inch line, the city would have had to have borrowed a smaller amount of funds (i.e.: 6 inch line vs. 12 inch line). The "interest expense" has been recomputed now that the project is complete to the amount stated above. There is sufficient undesignated capital reserve funds from closed water capital projects that may be considered for this amendment request.

We request the Board's concurrence to amend the City of Northwest Waterline Capital Project Ordinance accordingly.

**C. Solid Waste (Exhibit Book 31, Attachment #2)**

1. Request approval to exempt Victory Independent Baptist Church from Landfill Tipping Fees
2. Request approval to exempt Truth In Youth Family Services Inc. from Landfill Tipping Fees
3. Request approval to exempt Brunswick Co. Habitat for Humanity from Landfill Tipping Fees

**D. Proclamation (Exhibit Book 31, Attachment #3)**

1. Request approval of a Proclamation for Prostate Cancer Awareness Month (September)

## **PROCLAMATION**

### **Prostate Cancer Awareness Month In Brunswick County**

**WHEREAS**, in the year 2002, the month of September is declared National Prostate Cancer Awareness Month, and

**WHEREAS**, in the year 2002, approximately 198,000 men in the United States will learn that they have prostate cancer and, across the nation, prostate cancer is the most commonly diagnosed non-skin cancer in men, and

**WHEREAS**, approximately 31,500 men will lose their lives to this disease this year, and one in six men in the nation are at risk of prostate cancer during their lifetimes, and

**WHEREAS**, in the year 2002, in North Carolina 5,600 men will be diagnosed with prostate cancer, and 900 will die from it, and

**WHEREAS**, about 25 percent of prostate cancer occurs in men under the age of 65, during their prime years at work, and

**WHEREAS**, at any age prostate cancer devastates families, through loss of income, partnership and support, and

**WHEREAS**, prostate cancer leaves too many parents, women, children and other family members without a man they love, and

**WHEREAS**, African American families are disproportionately affected and African American men in North Carolina have one of the highest prostate cancer mortality rates in the world, and

**WHEREAS**, prostate cancer has accounted, on average, for 15 percent of the nation's cancer burden and 15 percent of male cancer deaths, it has received, on average, only about 5 percent of the funds this nation commits to cancer research, and

**WHEREAS**, research suggest that men could reduce their risk of prostate cancer mortality if they followed recommended prostate cancer screening guidelines, including examination by a health care provider, and

**WHEREAS**, increased awareness and use of early detection practices by men is essential to controlling prostate cancer,



NOW, THEREFORE, I, **The Chairman of the Board of Commissioners of Brunswick County, NC** do hereby proclaim September 2002 as:

**Prostate Cancer Awareness Month In Brunswick County** and urge all men in **Brunswick County, NC** to become aware of their own risks of prostate cancer, talk to their health care providers about prostate cancer and, whenever appropriate, be screened for the disease. I further encourage all residents to become involved in the war on prostate cancer through this county's education and advocacy initiatives.

Brunswick County Board of Commissioners  
s/Donald E. Warren, Chairman

Attest:  
s/ Debby Gore, Clerk to the Board

**E. Budget Amendment for CJPP and Cape Fear Sentencing Program (Exhibit Book 31, Attachment #4)**

1. Request approval of a Budget Amendment for the CJPP and Cape Fear Sentencing Program to extend salaries for one month.

## **VI. PRESENTATIONS**

**1) United Way Campaign (Steve Stone) (Exhibit Book 31, Attachment #5)**

Steve Stone informed the Board that County employee contributions tripled the United Way contributions in a three-year period.

Bobby Smith, Cape Fear United Way President, expressed appreciation to all Brunswick County employees.

Jane Jenkins stated that County employees contributions totaled \$21,713 and recognized all Department Coordinators who were instrumental in achieving this goal.

## **VII. ADMINISTRATIVE REPORT**

**1. Public Housing – Community Revitalization Concentrated Needs (Vonnie Fulwood)**

Staff recommends that the Board of Commissioners consider setting a Public Hearing for September 16, 2002 at 6:15 p.m. to receive comments on the FY 2002/2003 Community Revitalization Concentrated Needs application.

Commissioner Sandifer moved to set a Public Hearing for the Community Revitalization Concentrated Needs Grant Application for September 16, 2002 at 6:15 p.m. The vote of approval was unanimous. **(Exhibit Book 31, Attachment #6)**

**2. Planning – Text Amendment Z-02-09 – (Leslie Bell)**

Staff recommends that the Board of Commissioners consider approving First Reading and setting of a Public Hearing for October 21, 2002 at 5:30 p.m. for Text Amendment Z-02-09.

Commissioner Sue moved to approve First Reading and set a Public Hearing for October 21, 2002 at 5:30 p.m. for Text Amendment Z-01-09. The vote of approval was unanimous.

**(Exhibit Book 31, Attachment #7)**

**3. Planning – Map Amendment Z-02-10 – (Leslie Bell)**

Staff recommends that the Board of Commissioners consider approving First Reading and setting of a Public Hearing for October 7, 2002 at 6:00 p.m. for Map Amendment Z-02-10.

Commissioner Sue moved to approve First Reading and set a Public Hearing for October 7 at 5:45 p.m. due to a previously scheduled 6:00 p.m. Public Hearing. The vote of approval was unanimous. **(Exhibit Book 31, Attachment #8)**

**4. Planning – Shoreline Access Plan – (Leslie Bell)**

Staff recommends that the Board of Commissioners consider approving the Subcontract Agreement with Cape Fear Council of Governments, not to exceed \$16,500, for the Shoreline Access Plan Update/Study for Brunswick County.

Commissioner Sandifer moved to approve the Subcontract Agreement with Cape Fear Council of Governments, not to exceed \$16,500 for the Shoreline Access Plan Update/Study for Brunswick County. The vote of approval was unanimous. **(Exhibit Book 31, Attachment #9)**

**5. Finance – Filter to Waste Water Capital Project Ordinance – (Lithia Brooks)**

Staff recommends that the Board of Commissioners consider approving the Capital Project Ordinance for the Filter to Waste Water Project at the Northwest Surface Water Treatment Plant, as presented.

Lithia Brooks, Fiscal Operations Director, explained that as a part of the 5-year Capital Improvement Plan, the Filter to Waste Water Capital Project was included and this project is ready to begin. Ms. Brooks asked approval to adopt the Filter to Waste Capital Project Ordinance.

Commissioner Sue moved to approve the Capital Project Ordinance for the Filter to Waste Water Project at the Northwest Surface Water Treatment Plant. The vote of approval was unanimous.

**(Exhibit Book 31, Attachment #10)**

**6. West Brunswick Regional Wastewater – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving the selection of Engineering Firms for final design of the wastewater facilities.

Commissioner Sandifer moved to approve Final Design Engineering Contract Awards to McKim & Creed P.A. for the Treatment Plant and Reuse Facility, not to exceed \$1,167,400, including 10% contingency and URS Corporation of North Carolina for Regional Collection Lines and Pumping Stations, not to exceed \$680,800, including 5% contingency. Total cost of design with contingencies totals \$1,848,200. The vote of approval was unanimous.

**(Exhibit Book 31, Attachment #11)**

**7. West Brunswick Regional Wastewater – Task Order No. 9 A – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving Task Order No. 9 A of the Project Engineering and Management Agreement with HDR Engineering of the Carolinas and the associated Special Project Ordinance in the amount of \$60,000.00 for Geotechnical Services.

Vice-Chairman Moore asked if the project could be initiated any earlier than scheduled. Eric Williams (HDR) stated that work would proceed immediately after the Board's approval.

Vice-Chairman Moore moved to approve Task Order No. 9A of the Project Engineering and Management Agreement with HDR Engineering of the Carolinas and the associated Special

Project Ordinance in the amount of \$60,000 for Geotechnical Services. The vote of approval was unanimous. (**Exhibit Book 31, Attachment #12**)

**8. Municipal Tax Collections – (*Lithia Brooks*)**

Staff recommends that the Board of Commissioners consider approving a Letter of Agreement with Municipal Tax Consulting and Management to perform a sales tax allocation audit.

Lithia Brooks, Fiscal Operations Director, explained that the Firm of Municipal Tax Consulting & Management would charge a fee equal to one third of the gross recoveries paid.

Commissioner Sue moved to approve the Letter of Agreement with Municipal Tax Consulting and Management to perform a sales tax allocation audit. The vote of approval was unanimous. (**Exhibit Book 31, Attachment #13**)

**9. Mental Health – (*Steve Stone*)**

Staff recommends that the Board of Commissioners consider approving a Resolution of Intent to remain as a participant in the Southeastern Center for Mental Health with Pender and New Hanover Counties.

Chairman Warren moved to approve the Resolution of Intent to remain as a participant in the Southeastern Center for Mental Health with Pender and New Hanover Counties. The vote of approval was unanimous. (**Exhibit Book 31, Attachment #14**)

## **VIII. BOARD APPOINTMENTS**

**1. Southeastern Economic Development Commission**

Vice-Chairman Moore appointed Joe Butler to the Executive Committee. Commissioner Sue nominated Ben Brooks. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointments of Joe Butler and Ben Brooks. The vote of approval was unanimous.

Joseph Butler will fill the unexpired term of Orie Gore (deceased) that expires Jan 1, 2003. Ben Brooks will fill the unexpired term of Joseph Butler that will expire January 1, 2005.

**2. Brunswick Senior Resources Board**

Chairman Warren nominated Shirley Kotlarz. Vice-Chairman Moore nominated Elsie Hinkhouse, Commissioner Sandifer nominated Diana Mintz, and Commissioner Sue nominated Mary Earp. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointments of Shirley Kotlarz, Elsie Hinkhouse, Diana Mintz and Mary Earp. The vote of approval was unanimous.

Per Jim Russell, Shirley Kotlarz will serve a two-year term that will expire July 1, 2004. Diana Mintz will serve a three-year term that will expire July 1, 2005, Elsie Hinkhouse will serve a three-year term that will expire July 1, 2005 and Mary Earp will serve a one-year term that will expire July 1, 2003.

**3. Town of Ocean Isle Beach (ETA Board of Adjustment)**

Chairman Warren appointed Nick Newton to the Ocean Isle Beach Board of Adjustment as an alternate ETA member. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointment of Nick Newton. The vote of approval was unanimous. Mr. Newton will serve a three-year term beginning August 2002.

4. **Rescue Squad Capital Expenditure Committee (added under Adjustments to the Agenda)**

Vice-Chairman Moore nominated Tracy Franks. Commissioner Sandifer moved to close the nominations. The vote of approval was unanimous. Commissioner Sandifer moved to approve the appointment of Tracy Franks. The vote of approval was unanimous.

Tracy Franks will fill the unexpired term of Kent Brown.

## **IX. COUNTY ATTORNEY'S REPORT**

1. **Emergency Water Use Ordinance**

To consider approval of an ordinance regulating water consumption during the periods of public water unavailability.

Commissioner Sandifer moved to approve the Emergency Water Use Ordinance. The vote of approval was unanimous. **(Exhibit Book 31, Attachment #15)**

2. **Closed Session 7:05 p.m.**

Commissioner Sandifer moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) Attorney-Client privilege. The vote of approval was unanimous.

**Recess** – Chairman Warren called a 10-minute recess.

**Reconvened 7:44 p.m.**

Chairman Warren called the Open Session back to order.

## **X. OTHER BUSINESS/INFORMAL DISCUSSION**

Commissioner Sandifer moved to authorize the County Attorney to file a response to a petition filed by Sea Trail Inc. The vote of approval was unanimous.

## **XI. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Regular Meeting at 7:45 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board